

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SAMAR AKINS,	)	4:14CV3216
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
STATE OF NEBRASKA,	)	
	)	
Respondent.	)	

Petitioner Samar Akins (“Petitioner”) filed a Petition for Writ of Habeas Corpus (Filing No. [1](#)) in this court on November 4, 2014. His grounds for relief are (1) a state trial judge demonstrated bias toward him when she awarded sole custody of his children to their mother, (2) the judge violated his rights under the Equal Protection Clause when she awarded sole custody of his children to their mother, and (3) the judge’s custody and child support orders were “erroneous.” (Filing No. [1 at CM/ECF pp. 5](#)-10.)

Petitioner seeks orders reversing the trial judge’s decisions in the state-court custody proceedings. The court cannot grant such relief in a habeas corpus action. Neither Petitioner nor his children are in the custody of the State of Nebraska in violation of federal law. Indeed, Plaintiff merely seeks to relitigate, through habeas corpus, the state district court’s custody and child support orders. Federal habeas corpus statutes do not confer federal court jurisdiction over challenges to state-court child custody proceedings. *See Lehman v. Lycoming Cnty. Children’s Services Agency*, [458 U.S. 502, 515-16 \(1982\)](#); *Amerson v. State of Iowa, Dep’t of Human Servs.*, [59 F.3d 92 \(8th Cir. 1995\)](#) (affirming the district court’s determination that no habeas jurisdiction exists to collaterally attack a state court child custody determination).

Even if the court were to construe the petition as asserting a claim under [42 U.S.C. § 1983](#), a federal district court lacks jurisdiction to hear an action that, in essence, seeks to reverse a state court’s child custody determination because the *Rooker-Feldman* doctrine prohibits lower federal courts from exercising appellate review of state court judgments. *Rooker v. Fidelity Trust Co.*, [263 U.S. 413, 416 \(1923\)](#); *District of Columbia Court of Appeals v. Feldman*, [460 U.S. 462, 482 \(1983\)](#).

IT IS ORDERED that:

1. The Petition for Writ of Habeas Corpus (Filing No. [1](#)) is dismissed without prejudice.
2. The Motion to Stay District Court Order and Stay Suspension (Filing No. [7](#)) is denied as moot.
3. The court will enter a separate judgment in accordance with this order.

DATED this 20<sup>th</sup> day of April, 2015.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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